

KAPLAN FOX & KILSHEIMER LLP

William J. Pinilis
160 Morris Street
Morristown, NJ 07960
Telephone: 973-656-0222
Email: *wpinilis@kaplanfox.com*

KAPLAN FOX & KILSHEIMER LLP

Joel B. Strauss
850 Third Avenue
New York, NY 10022
Telephone: 212-687-1980
Email: *jstrauss@kaplanfox.com*

[Additional Counsel Appear on Signature Page]

*Attorneys for Plaintiff Steven Owen
and the Proposed Class*

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEVEN OWEN, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

NESTLE HEALTHCARE
NUTRITION, INC.,

Defendant.

Civil Case No. 3:22-cv-02855-ZNQ-DEA

Class Action

**JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
MOTION TO DISMISS BRIEFING
SCHEDULE**

**TO THE ABOVE ENTITLED COURT AND TO ALL PARTIES AND
THEIR COUNSEL OF RECORD:**

Plaintiff Steven Owen (“Plaintiff”), by and through his attorneys, and Defendant Nestle Healthcare Nutrition, Inc. (“Nestle”), by and through its attorneys, hereby stipulate as follows:

WHEREAS, the initial complaint was filed on May 16, 2022 (Dkt. No. 1).

WHEREAS, on July 12, 2022 Nestle filed an application with the Clerk to extend time to answer the complaint (Dkt. No. 10).

WHEREAS, on July 14, 2022, the Clerk entered a text order granting Nestle’s application and ordered that Nestle respond to the complaint by August 8, 2022.

WHEREAS, on August 5, 2022, pursuant to Judge Quraishi’s rules, Nestle requested a pre-motion conference in anticipation of its Motion to Dismiss (Dkt. No. 13).

WHEREAS, on August 12, 2022, Plaintiff responded to Nestle’s request for a pre-motion conference in anticipation of its Motion to Dismiss (Dkt. No. 14).

WHEREAS, the Court ordered a conference on September 7, 2022 (Dkt. No. 16), which Plaintiff and Defendant attended.

WHEREAS, on September 7, 2022, the Court ordered Defendant to file its Motion to Dismiss, limited to the grounds set forth in its pre-motion letter, no later than October 7, 2022 (Dkt. No. 24).

WHEREAS, pursuant to Civil Rule 7.1, Plaintiff is required to respond at least 14 days before the motion day, and Defendant is required to reply at least 7 days before the motion day.

WHEREAS, the Parties met and conferred on September 19, 2022 and have agreed, subject to the Court's approval, to the following briefing schedule with respect to Nestle's anticipated Motion to Dismiss:

Event	Date
Motion to Dismiss	October 7, 2022
Opposition to Motion to Dismiss	November 7, 2022
Reply in Support of Motion to Dismiss	November 23, 2022

WHEREAS, extending the foregoing deadlines will not impact any other deadlines in this case.

WHEREAS, the Parties have not previously requested that any other deadlines regarding the Motion to Dismiss be extended.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, through their undersigned counsel, subject to Court approval, that Defendant shall file its motion to dismiss on October 7, 2022; Plaintiff shall file his opposition to the

Motion to Dismiss by November 7, 2022; and Defendant shall file its Reply in Support of its Motion to Dismiss by November 23, 2022.

WHEREFORE, the Parties respectfully request that the Court enter a consent order setting forth the schedule of the above STIPULATION.

Respectfully submitted,

KAPLAN FOX & KILSHEIMER LLP

DATED: September 22, 2022

By: /s/ Joel B. Strauss
Joel B. Strauss

850 Third Avenue
New York, NY 10022
Tel. 212-687-1980
Email: *jstrauss@kaplanfox.com*

KAPLAN FOX & KILSHEIMER LLP

William J. Pinilis
160 Morris Street
Morristown, NJ 07960
Tel. 973-656-0222
Email: *wpinilis@kaplanfox.com*

KAPLAN FOX & KILSHEIMER LLP

Laurence D. King*
Matthew B. George*
Blair E. Reed*
1999 Harrison Street, Suite 1560
Oakland, CA 94612
Tel. 415-772-4700
Email: *lking@kaplanfox.com*
mgeorge@kaplanfox.com
breed@kaplanfox.com

KUZYK LAW, LLP

Michael D. Braun*

1999 Avenue of the Stars, Ste. 1100

Los Angeles, CA 90067

Tel. 213-401-4100

Email: *mdb@kuzykclassactions.com*

THE ROTHENBERG LAW FIRM LLP

Ross B. Rothenberg

450 7th Avenue, 44th Floor

New York, NY 10123

Tel. 212-563-0100

Email: *ross@injurylawyer.com*

*Attorneys for Plaintiff Steven Owen and the
Proposed Class*

**Admitted pro hac vice*

DATED: September 22, 2022

By: *s/ Stephanie L. Silvano*

STEPHANIE L. SILVANO (Bar No.
168182016)

ssilvano@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue, 47th Floor

New York, New York 10166

Telephone: 212.351.4000

*Attorney for Defendant Nestlé Healthcare
Nutrition, Inc.*

IT IS SO ORDERED.

Dated: _____, 2022

Hon. Douglas E. Arpert
United States Magistrate Judge